

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-cr-0209-SEB-TAB
)	
DAVION ADAMS,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 4, 2020¹ and March 8, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 6, 2021. [Dkt. 44.] Defendant Adams appeared in person with his appointed counsel Joseph Cleary. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Adams of his rights and ensured he had a copy of the Petition. Defendant Adams orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Adams admitted violation nuos. 1 and 2 as set forth in the Petition. [Dkt. 44.]

3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

Violation

Number

Nature of Noncompliance

- 1 "You shall refrain from any unlawful use of a controlled substance."**

Mr. Adams provided positive urinalysis for marijuana on the following dates: February 24, 2020, March 17, 2020, July 9, 2020, August 25, 2020, September 8, 2020, September 17, 2020, and October 12, 2020. On July 16, 2020, Mr. Adams provided a urine sample which yielded positive for amphetamines.

- 2 "You shall reside in a residential reentry center for a term of up to 180 days. You shall abide by the rules and regulations of the facility."**

The offender was evicted from the residential reentry center on January 4, 2021, for failure to follow rules of the facility.

4. The Court finds that:

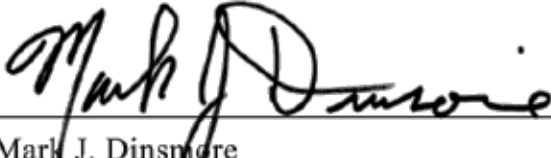
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months' imprisonment.

5. The parties jointly recommended that the defendant continue on his currently imposed conditions of supervised release.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in violation nos. 1 and 2 of the Petition, and recommends that the Petition be terminated and that Defendant continue on his current conditions of supervised release without further action.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 9 MAR 2021



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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